

REMARKS

By Official Action mailed *April 19, 2004*, restriction to one of the following inventions is required:

Invention I: Claims 1-5, drawn to a body fluid absorbent wearing article, classified in class 604, subclass 380.

Invention II: Claims 6-15, drawn to a body fluid absorbent wearing article, classified in class 604, subclass 378.

Invention III: Claims 16-20, drawn to a liquid absorbent panel, classified in class 428, subclass 170.

In response, Applicants hereby elect *Invention I*, upon which claims 1-5 are readable.

The election was made with traverse because the restriction requirement between Inventions I and II is deemed improper for the following reasons.

First, Inventions II and I are not related as combination and subcombination as the Examiner stated. Invention I (claims 1-5) and II (claims 6-15) are both drawn to body fluid absorbent wearing articles. *See*, for example, the preambles of independent claims 1 and 6. Therefore, Inventions II and I cannot be regarded as combination and subcombination.

Second, the Examiner's allegation that the subcombination (Invention I) has *separate* utility is deemed inaccurate. If Invention I can be used in the manner mentioned in the last sentence of paragraph 2 of the Restriction Requirement, Applicants see no reason why Invention II cannot be used in exactly the same manner, because the two Inventions are both drawn to body fluid absorbent wearing articles. Thus, Inventions I and II *always* have the same utility. There is no

separate utility.

Third, the Examiner's reason for insisting on restriction is not persuasive. Applicants do not see any reason why Inventions I and II, which are both drawn to body fluid absorbent wearing articles, should be classified into two different subclasses, i.e., 380 and 378. See paragraph 1 of the Restriction Requirement. Clarification is respectfully requested. In addition, the classification of, at least, Invention I (subclass 380) is deemed inaccurate or incomplete because the Examiner originally seemed to consider Invention I to belong to other subclasses. See, e.g., the "Classification" column in Form PTO-892 attached to the previous Office Action. Finally, the above mentioned Form PTO-892 shows that there is no serious burden on the Examiner if a search is required to cover different, closely related subclasses.

For *any* of the above reasons, the Restriction Requirement between Inventions I and II is inappropriate and should be withdrawn.

Examination of claims 1-15 is thus believed appropriate and courteously solicited.

The informalities noted by the Examiner in paragraph 5 of the Office Action are noted. In this Amendment, claims 1-20 are identical to claims 1-20 of the unentered "AMENDMENTS TO THE CLAIMS" section of the Amendment filed January 23, 2004, except for the following changes:

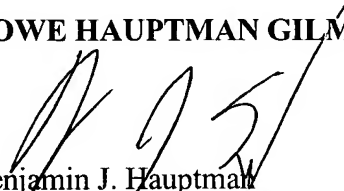
- "Claim" in claims 2-5 has been shown as being changed to --claim--.
- The preambles of new claims 17-20 are now consistent with the preamble of claim 16, i.e., previous "fluid absorbent" now reads as --liquid-absorbent--.
- In new claims 11 and 20, previous "disconnected" has been removed. The application as filed provides solid support for the claimed "areas" at 5a in FIG. 5.

The arguments advanced with respect to unentered claims 1-20 in the Amendment filed January 23, 2004 apply to resubmitted claims 1-20 of this Amendment paper.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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